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12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 C.M., on her own behalf and on behalf of her
16 minor child, B.M.; L.G., on her own behalf and
17 on behalf of her minor child, B.G.; M.R., on her
18 own behalf and on behalf of her minor child,
19 J.R.; O.A., on her own behalf and on behalf of
20 her minor child, L.A.; and V.C., on her own
21 behalf and on behalf of her minor child, G.A.,

22 Plaintiffs,

23 v.

24 United States of America,

25 Defendant.

No. 2:19-CV-05217-PHX-SRB

**FIFTH STIPULATED
MOTION TO HOLD
ACTION IN ABEYANCE**

26 A.P.F. on his own behalf and on behalf of his
27 minor child, O.B.; J.V.S. on his own behalf and
28 on behalf of his minor child, H.Y.; J.D.G. on his
own behalf and on behalf of his minor child,
M.G.; H.P.M. on his own behalf and on behalf of
his minor child, A.D.; M.C.L. on his own behalf

No. 2:20-CV-00065-PHX-SRB

1 and on behalf of his minor child, A.J.; and R.Z.G.
2 on his own behalf and on behalf of his minor
3 child, B.P.,

4 Plaintiffs,

5 v.

6 United States of America,

7 Defendant.

8 The parties jointly move the Court for an order holding this action in abeyance
9 for an additional period of sixty (60) days while the parties continue to engage in
10 settlement negotiations. In support of this motion, the parties respectfully state the
11 following:

12 On August 2, 2021, the parties moved the Court to hold the action in abeyance
13 for an additional sixty (60) days for the parties to continue to focus their attention on
14 their ongoing settlement efforts. *C.M.* ECF 110; *A.P.F.* ECF 108. On August 3,
15 2021, the Court granted that motion, holding the case in abeyance until October 1,
16 2021, at which time the parties were to advise the Court whether an additional
17 abeyance was sought. *C.M.* ECF 111; *A.P.F.* ECF 109.

18 The parties have made substantial progress in settlement discussions, but
19 require additional time for ongoing discussions. The parties, along with additional
20 plaintiffs' counsel who are coordinating negotiations on behalf of plaintiffs and
21 claimants, are engaged in a nationwide effort to settle district court cases and pending
22 administrative tort claims arising from family separations at the U.S./Mexico border
23 that occurred during the prior administration. During the current stay period, the
24 United States and plaintiffs' counsel continued to meet frequently and narrowed their
25 differences on important elements of the settlement framework. While significant
26 progress has been made, due to the scale and complexity of the effort, additional time
27 is needed to achieve a global resolution of these matters.
28

1 In order to facilitate continued progress, the parties respectfully move the
2 Court for an order holding this action, including all proceedings and case deadlines, in
3 abeyance for an additional period of sixty (60) days, for the parties to continue to
4 focus their attention on these settlement efforts. The parties propose that, at the close
5 of this additional 60-day abeyance period, the parties may, depending on the progress
6 of the settlement discussions, seek an additional abeyance from the Court. If an
7 additional abeyance is not sought, the parties request that any existing deadlines be
8 reset for an additional sixty (60) days from the current deadlines.

9 Counsel for Plaintiffs and the United States have conferred regarding this
10 request and agreed to jointly move the Court to hold this action in abeyance. The
11 party submitting this motion has obtained the permission of all signatories hereto. A
12 proposed Order is submitted herewith.

13 Respectfully submitted this 30th day of September, 2021.
14

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CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all CM/ECF registrants.

s/ Phil MacWilliams

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